REMARKS

There are 9 claims pending in this application. The Office Action dated May 10, 2006, required election under unity of invention practice to one of three groups as defined by the Examiner, namely:

> Group I, claims 1-4, 6 and 7, drawn to an apparatus for combining delivery of first objects from a first transport conveyor with second objects from a second transport conveyor;
>
> Group II, claim 5, drawn to a system for pressing tortillas; and
>
> Group III, claims 8-9, drawn to a method for combining delivery of first objects from a first transport conveyor with second objects from a second transport conveyor.

Unity of invention was found during the international phase of this application.

I. Provisional Election.

Applicant hereby provisionally elects to prosecute the invention of **Group I, including claims 1-4, 6 and 7** for examination on the merits. This election is made with traverse.

II. Unity Exists Between Group I and Group II

Respectfully, Applicant notes that the Examiner has incorrectly defined Group II. It is not simply drawn to a system for pressing tortillas. It is drawn to system for pressing tortillas comprising, in part, the apparatus of Group I. In short, claim 1 is a conveyor belt apparatus with feature A, and claim 5 is a conveyor belt apparatus with feature A+B.

As noted in MPEP 1893.03(d), the examples contained in Chapter 10 of the International Search and Preliminary Examination Guidelines provide guidance on when unity of invention is present. In particular, Example 10.30 is directly on point:

> *10.30 Example 10*
>
> Claim 1: Conveyor belt with feature A.
> Claim 2: Conveyor belt with feature B.
> Claim 3: Conveyor belt with features A + B.
> Feature A is a special technical feature and feature B is another unrelated special technical feature.
> ***Unity exists between claims 1 and 3*** or between claims 2 and 3, but not between claims 1 and 2. (emphasis added)

As the following chart demonstrates, claim 1 and claim 5 share special technical features. All features A in claim 1 are also in claim 5. The tortillas in claim 5 are objects, and the press conveyors in claim 5 are transport conveyors. (The difference in the preambles is not an issue, since a preamble is not a limitation of a claim.) Claim 1 would read on any system comprising the elements of claim 5.

Claim 1	Claim 5	Feature A In claim 5	Feature B In claim 5
1. An apparatus for combining delivery of first objects from a first transport conveyor (34) with second objects from a second transport conveyor (40), comprising:	5. A system for pressing tortillas comprising:		
	a first tortilla press (30) for pressing dough into first tortillas, having a first press conveyor (34);		✔
a first continuous discharge conveyor (36) for transporting the first **objects** received from the first **transport** conveyor, comprising a discharge end;	a first continuous discharge conveyor (36) for transporting the first **tortillas** received from the first **press** conveyor, comprising a discharge end;	✔	✔
	a second tortilla press (32) for pressing dough into second tortillas, having a second press conveyor (40);		✔
a second continuous discharge conveyor (42) for receiving the second **objects** from the second **transport** conveyor, comprising a receiving end with a longitudinal axis, and a discharge end, and being rotatable about the longitudinal axis;	a second continuous discharge conveyor (42) for receiving the second **tortillas** from the second **press** conveyor, comprising a receiving end with a longitudinal axis, and a discharge end, and being rotatable about the longitudinal axis;	✔	✔
means for pivoting the second discharge conveyor about the longitudinal axis between a lower position in which the discharge ends of the first discharge conveyor and the second discharge conveyor are adjacent, and an upper position in which the discharge ends of the first discharge conveyor and the second discharge conveyor are spaced apart sufficiently to accommodate the first objects therebetween; and	means for pivoting the second discharge conveyor about the longitudinal axis between a lower position in which the discharge ends of the first discharge conveyor and the second discharge conveyor are adjacent, and an upper position in which the discharge ends of the first discharge conveyor and the second discharge conveyor are spaced apart sufficiently to accommodate the first objects therebetween; and	✔	✔
means for synchronizing the pivoting means with discharge of the first objects from the first discharge conveyor and discharge of the second objects from the second discharge conveyor.	means for synchronizing the pivoting means with the first press conveyor, the first discharge conveyor, the second press conveyor, and the second discharge conveyor.	✔	✔

III. Unity Exists Between Group I and Group III.

Applicant respectfully notes that that the Examiner gives no reason why Group III and Group I do not relate to a single inventive concept. Claim 8 claims a process of manufacture comprising enumerated steps, and Claim 1 claims an apparatus specifically designed for carrying out those same steps. A single inventive concept is therefore reflected in both groups.

The following chart shows that the apparatus of Claim 1 is specifically designed to carry out the steps of Claim 8:

Claim 8	Structure From Claim 1 Designed to Perform Process Step of Claim 8
8. A method for combining delivery of first objects from a first transport conveyor (34) with second objects from a second transport conveyor (40), comprising the steps:	
receiving the first objects from the first transport conveyor onto a first continuous discharge conveyor (36) having a discharge end;	first transport conveyor first continuous discharge conveyor
receiving the second objects from the second transport conveyor onto a second continuous discharge conveyor (42) comprising a receiving end with a longitudinal axis, and a discharge end;	second transport conveyor second continuous discharge conveyor
intermittently pivoting the second continuous discharge conveyor about the longitudinal axis between a lower position in which the discharge ends of the first discharge conveyor and the second discharge conveyor are adjacent, and an upper position in which the discharge ends of the first discharge conveyor and the second discharge conveyor are spaced apart sufficiently to accommodate the first objects therebetween,	means for pivoting the second discharge conveyor about the longitudinal axis between a lower position in which the discharge ends of the first discharge conveyor and the second discharge conveyor are adjacent, and an upper position in which the discharge ends of the first discharge conveyor and the second discharge conveyor are spaced apart sufficiently to accommodate the first objects therebetween
synchronizing the pivoting of the second continuous discharge conveyor with the first discharge conveyor and the second discharge conveyor;	means for synchronizing the pivoting means with discharge of the first objects from the first discharge conveyor and discharge of the second objects from the second discharge conveyor
discharging the first objects from the first discharge conveyor while the second discharge conveyor is in the upper position, and	means for pivoting the second discharge conveyor about the longitudinal axis between a lower position . . . and an upper position
discharging the second objects from the second discharge conveyor while the second discharge conveyor is in the lower position.	means for pivoting the second discharge conveyor about the longitudinal axis between a lower position . . . and an upper position

Again, the examples contained in Chapter 10 of the International Search and Preliminary Examination Guidelines provide guidance on when unity of invention is present. In particular, example 10.22 is directly on point:

> *10.22 Example 2*
>
> Claim 1: A process of manufacture comprising steps A and B.
> Claim 2: Apparatus specifically designed for carrying out step A.
> Claim 3: Apparatus specifically designed for carrying out step B.
> ***Unity exists between claims 1 and 2*** or between claims 1 and 3. There is no unity between claims 2 and 3 since there exists no common special technical feature between the two claims.

IV. Conclusion

The Examiner has not made a *prima facie* case that there is lack of unity of invention, and there are on-point examples from WIPO demonstrating that there is unity of invention. Furthermore, a combined search and examination for all three Groups would not impose a serious burden on the Examiner.

Withdrawal of the election requirement is hereby requested.

If there are any issues regarding the present application which can be addressed by telephone, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge any fees due in connection with this communication or credit any overpayment to Deposit Account No. 19-2090.

Respectfully submitted,

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